

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

DORA BELTRAN, AS NEXT FRIEND OF)
R.M.B., A MINOR)

VS.)

1:15-CV-745 JCC/JFA

ALEXANDRIA, VIRGINIA
JULY 30, 2015

DARRYL POSTON, *ET AL.*)
_____)

TRANSCRIPT OF MOTION HEARING
BEFORE THE HONORABLE JAMES C. CACHERIS
UNITED STATES DISTRICT JUDGE

Proceedings reported by stenotype, transcript produced by
Julie A. Goodwin.

A P P E A R A N C E S

FOR THE PETITIONER:

LEGAL AID JUSTICE CENTER

By: MR. SIMON SANDOVAL-MOSHENBERG

6066 Leesburg Pike

Suite 520

Falls Church, Virginia 22041

703.720.5605

simon@justice4all.org

TEXAS RIOGRANDE LEGAL AID, INC.

By: MS. SUSAN L. WATSON, *Pro Hac Vice*

311 Plus Park

Suite 135

Nashville, Tennessee 37217

615.750.1203

swatson@trla.org

FOR THE FEDERAL RESPONDENTS:

UNITED STATES ATTORNEY'S OFFICE

By: MR. DENNIS C. BARGHAAN, JR.

Assistant U.S. Attorney

2100 Jamieson Avenue

Alexandria, Virginia 22314

703.299.3700

dennis.barghaan@usdoj.gov

UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES:

By: MS. JUDY HARON, ESQ.

Office of General Counsel

Children, Families and Aging Division

OFFICIAL U.S. COURT REPORTER:

MS. JULIE A. GOODWIN, CSR, RPR

United States District Court

401 Courthouse Square

Tenth Floor

Alexandria, Virginia 22314

512.689.7587

1 (JULY 30, 2015, 10:56 A.M., OPEN COURT.)

2 THE COURT: *Beltran versus Poston, et al.*

3 MR. BARGHAAN: Good morning, Your Honor. Assistant
4 United States attorney Dennis Barghaan on behalf of federal
5 respondents. With me at counsel's table today is Judy Haron,
6 who's a counsel with the Department of Homeland -- Homeland --
7 Department of Health and Human Services.

8 THE COURT: Glad to have her with us.

9 MR. SANDOVAL-MOSHENBERG: Good morning, Judge. Simon
10 Sandoval-Moshenberg, Legal Aid Justice Center, Falls Church,
11 Virginia. With me is my colleague, Susan Watson, who's *pro hac*
12 *vice* has been approved from Texas RioGrande Legal Aid --

13 THE COURT: Glad to have her with us.

14 MR. SANDOVAL-MOSHENBERG: -- here on behalf of
15 petitioner.

16 MS. WATSON: Good morning, Your Honor.

17 MR. SANDOVAL-MOSHENBERG: Judge, I'll be arguing the
18 motion to strike. Ms. Watson will be arguing the merits --

19 THE COURT: I'll take the motion to strike first.

20 Let me ask you this. Obviously this case requires
21 an opinion. Is it all right if I just use the initials of Ms.
22 Beltran?

23 MS. WATSON: That's fine, Your Honor.

24 THE COURT: As next friend of R.M.B., a minor,
25 whatever. Yeah, that way -- such an important case that needs

1 a published opinion, anyhow.

2 MS. WATSON: Thank you, Your Honor.

3 THE COURT: All right, sir.

4 MR. SANDOVAL-MOSHENBERG: Thank you, Judge.

5 THE COURT: Mr. Moshenberg.

6 MR. SANDOVAL-MOSHENBERG: Judge, as a preliminary
7 matter, I must mention that our central contentions litigation
8 is that ORR lacks the power to detain. On that legal theory,
9 the James De La Cruz declaration is actually not relevant at
10 all to that question one way or the other.

11 Our second contention, though, of course on the
12 merits, is that R.M.B. is not and never was an unaccompanied
13 alien child, or UAC. And for that, the question is whether the
14 mother was, quote, available. That's the word in the statute
15 that's relevant.

16 So on that, the De La Cruz declaration is at best
17 relevant as circumstantial evidence as to whether the mother
18 was available within the meaning of the statute. And here, I'm
19 referring specifically to paragraphs 3 and 4 which are the
20 paragraphs of the declaration which purport to describe what
21 happened, the interaction between Customs and Border Patrol,
22 CBP, and R.M.B. down in Rio Grande City, Texas. So the
23 question really central for this motion to strike is are those
24 two paragraphs admissible.

25 Now the Government is pointing to 803(6), the

1 business records hearsay exception, but that's -- 6(D) is not
2 met. 6(D) requires for a business record that there be
3 testimony of the custodian or another qualified witness or a
4 certification that complies with Rule 902 or a statute
5 permitting certification.

6 That hasn't been met by James De La Cruz, and it
7 can't possibly be met by James De La Cruz because Mr. De La
8 Cruz is with ORR, which is a sub-agency of HHS. CVP, of
9 course, is a completely other kind of a department. It's a
10 sub-agency of DHS.

11 Now the Government provides a number of cases on
12 page 4 of its opposition, arguing that essentially this is a
13 30(b)(6) declaration by Mr. De La Cruz. And they point to a
14 bunch of cases, but every single one of those cases arises on
15 the posture of a summary judgment motion under Federal Rule of
16 Civil Procedure 56.

17 Now Federal Rule of Civil Procedure 56 has its own
18 admissibility standard which is 56(c). And 56(c) essentially
19 says if it -- if it could be presented in a form that would be
20 admissible in evidence, you can have a 30(b)(6) declarant to
21 that effect. 5062, a party may object at the material cited to
22 support or dispute a fact cannot be presented in a form that
23 would be admissible in evidence.

24 But that's very different evidentiary standard from
25 when the Court is finally called upon to decide the facts of

1 the matter on the merits. Right? At trial you can't present
2 hearsay evidence and then say, well, I could have brought the
3 actual initial declarant. I could have brought non-hearsay
4 evidence, so it's okay that I'm presenting this hearsay
5 evidence. At trial, the hearsay evidence is simply not
6 admissible even though it hypothetically could be presented in
7 some non-hearsay way.

8 So it's quite clear that just because a corporate
9 designee can say something in a 30(b)(6) deposition or an
10 affidavit, it doesn't mean that the same human being can
11 necessarily testify to that fact once the Court is finally
12 called upon to decide the merits of the case and decide what
13 facts are true and what facts are false. Right?

14 I mean, a company can designate its janitor as a
15 30(b)(6) designee as long as the janitor studies up by
16 reviewing the relevant business records. It doesn't mean that
17 the janitor can come to trial, testify as to the contents of
18 those business records, lay the foundation to get those
19 business records into evidence.

20 And then finally, Judge, the last thing I'd like to
21 mention is the Government cited to -- a case out of this court,
22 Judge Ellis, *In Re: Outside Wall Tire Litigation*. I think that
23 case is actually quite helpful because in that case Judge Ellis
24 found that in litigation between private parties, essentially,
25 a patent and trademark PT0 file was not admissible as a

1 business record because the statements by the PTO examiner were
2 considered inadmissible hearsay and thus couldn't be offered
3 for the truth of the matter.

4 So here, obviously, this is not litigation between
5 private parties, but it's litigation between an individual and
6 ORR. What we have is an ORR declarant purporting to tell us
7 what happened at the scene on the street where no one from ORR
8 was even there. Right? It was a CBP agent that was there.

9 The Government correctly pointed out that we did
10 not move to strike Exhibit B. I'm going to eat a little bit of
11 crow for that, Judge, but I'm here -- now that we are here on
12 the habeas petition, you know, I'm here to object in open court
13 to the admissibility of Exhibit B as well on -- on hearsay
14 grounds.

15 Thank you, Judge.

16 THE COURT: Okay. Let me just say before I hear from
17 Mr. Barghaan, I've got a judge's meeting at 11:30, so I'll have
18 to recess then and pick you up depending on what arguments you
19 have left.

20 Go ahead, Mr. Barghaan.

21 MR. BARGHAAN: Your Honor, I'll be very quick on this.
22 I think this is a completely a mountain out of a molehill.

23 Mister -- Mr. Sandoval mentions that this is a
24 quite -- quite correctly notes that this is litigation against
25 ORR. As we said in our paper, this Court asked ORR in its

1 order, the only two peop -- the only two entities of the
2 federal government named are HHS and ORR by their own design.
3 They -- this Court asked those two entities to -- to explain
4 why the writ ought not issue. And so the De La Cruz
5 declaration, as we note, is an attempt much like Rule 30(b)(6)
6 which, as Mr. Sandoval also concedes, is appropriate on paper
7 submissions in a summary judgment-like context which is --
8 which is much like what's going on here, to provide this Court
9 with the reasons for which ORR is continuing its custody of
10 R.M.B. That's all that's going on here.

11 In fact, Your Honor, it's quite ironic that we see
12 this motion to strike because the very reason that ORR exists
13 outside of DHS and CBP in the first instance is to separate
14 those two entities so that you have ORR relying on things that
15 CBP has told them, but they make their own decisions about
16 detention and custody more generally.

17 Because it is akin to a Rule 30(b)(6) declarant and
18 because there is no motion to strike before the Court on
19 Exhibit B, which is the document on which Mr. De La Cruz
20 premises the majority of those two paragraphs, the only two
21 paragraphs that Mr. Sandoval articulates here today, the Court
22 should deny the motion.

23 Thank you.

24 THE COURT: Okay. Anything else?

25 MR. SANDOVAL-MOSHENBERG: No, Judge. Thank you.

1 THE COURT: I'm going to take it under advisement.

2 Okay. Let's go to the merits of the habeas corpus
3 motion.

4 Ms. Watson, what do you think the standard of
5 review is on this?

6 MS. WATSON: On the habeas petition?

7 THE COURT: Yes, ma'am.

8 MS. WATSON: A preponderance of the evidence.

9 THE COURT: Okay.

10 MS. WATSON: It's a civil matter before the Court,
11 Your Honor.

12 THE COURT: Very well. Go ahead.

13 MS. WATSON: I'd like to begin by thanking the Court
14 for allowing me to appear. It's a great honor to be here in
15 Virginia with you today. And I'd also like to clarify for our
16 reporter, who I see, with our alphabet soup.

17 When I refer to CBP, that's of course Customs and
18 Border Protection which is an agency within the Department of
19 Homeland Security, and ORR as the Office of Refugee
20 Resettlement within the Department of Health and Human
21 Services.

22 THE COURT: I think Ms. Egal will find that very
23 helpful.

24 Go ahead. As I will. Go ahead.

25 MS. WATSON: I know that the Court has an obligation

1 soon, and this matter has been well briefed before the Court.
2 I will restrict my comments to the essence of why we're here
3 today and make clear, as we hopefully did in our traverse and
4 in the petition itself that this is a petition for a writ of
5 habeas corpus. It is a petition asking this Court to decide
6 whether the federal government has the authority, the power,
7 any legal basis for continuing the detention of a minor who was
8 arrested by federal immigration officials, who was placed in
9 detention by virtue of that immigration arrest. Was eventually
10 for some unexplained reason a year and a half later eventually
11 presented to an immigration judge who then terminated those
12 removal proceedings that have the effect of canceling the
13 underlying warrant that gives rise to the detention in the
14 first place by operation of law.

15 That is not in dispute. The Government does not
16 dispute those, either those facts that he was arrested by
17 immigration officials, that he was detained pursuant to that
18 immigration arrest, that the termination was issued by an
19 immigration judge, and the effect -- the legal effect of that
20 termination. It's not addressed anywhere in their response.
21 That alone should be dispositive.

22 There is no distinction in the Immigration and
23 Nationality Act, which is the INA, or in the 8 CFR, which are
24 the regulations enacting the federal -- the Immigration and
25 Nationality Act, that distinguish the legal effect of

1 termination of proceedings between adults and children or
2 accompanied children and unaccompanied children.

3 We, of course, also contend that he's wrongfully
4 detained because he is not now and has never been an
5 unaccompanied alien child, as that term is defined in 6 U.S.C.
6 279(g)(2), I believe, which has two requirements that there be
7 a present -- a parent present in the United States and that
8 parent be available.

9 THE COURT: His mother was both.

10 MS. WATSON: Correct, Your Honor. And it is our
11 contention that it's both. And whether that decision was made
12 in error by the CBP official, whether it was coerced in nature
13 is perhaps a different question for --

14 THE COURT: Wasn't she about 150 miles away from him
15 when he was first detained?

16 MS. WATSON: That's -- that's about the right
17 distance, Your Honor.

18 THE COURT: Yeah.

19 MS. WATSON: She was in Corpus Christi and he was in
20 Rio Grande City.

21 THE COURT: And she started across and then they told
22 her --

23 MS. WATSON: She started to come get -- she -- they
24 told her to get his --

25 THE COURT: Turn around.

1 MS. WATSON: Because he had already been granted -- as
2 a victim of domestic violence, she had applied for herself and
3 her children, including R.M.B., for immigration relief in
4 administrative proceedings, not in judicial court removal
5 proceedings, but making an affirmative petition for immigration
6 relief through the United States Citizen and Immigration
7 Service as a victim of domestic violence. And that's under the
8 Violence Against Women Act, which is VAWA.

9 THE COURT: Let me ask you this because, you know, you
10 read the reports. This youth, this young man, has really been
11 troubled. I mean, he's really had a lot of problems, and he
12 ended up as a coyote bringing people into the U.S. dealing with
13 gangs and whatever.

14 MS. WATSON: That's all been alleged, I would point
15 out, Your Honor. There's not a single criminal charge;
16 certainly no federal charge pending against all of those.

17 THE COURT: Also claimed in one of these things if
18 true that he shot somebody too.

19 MS. WATSON: Again, there's nothing in the record to
20 indicate that that's a true statement or that he ever retracted
21 that statement, which he tells me he has.

22 THE COURT: Okay. Go ahead.

23 MS. WATSON: But again, as Your Honor pointed out,
24 there's a lot of things that the agency says he said. We
25 haven't seen any of that. He certainly hasn't been allowed any

1 contact with his mother. Ten minutes a day -- ten minutes
2 twice a week.

3 But back to my original point that the -- actually
4 the second point, in addition to having the proceedings
5 terminated, he's not ever been subject to ORR authority or
6 detention as an unaccompanied alien child. And so any
7 authority that they do have over unaccompanied minors who are
8 in proceedings do not apply to him.

9 And finally, of course, we argue that his detention
10 violates due process. He has not been -- he doesn't have any
11 meaningful ability to appeal short of this habeas petition, his
12 current detention, that he is in custody, as the Government
13 contends. And a child custody sort of way is just absolutely
14 false. There's no child custody case pending anywhere
15 regarding this child, certainly not with ORR as a party in
16 that -- in a child custody litigation.

17 And with all due respect to the Court, the federal
18 courts lack jurisdiction to enter that kind of determination.
19 Whether ORR is in a better position to -- to care for troubled
20 youths or immigrant youths or whether his mother is, those are
21 questions that are left exclusively to the state courts. And
22 in this case, the state court has already decided that it is in
23 R.M.B.'s best interest, as well as that of his siblings, to
24 reside with his mother, his natural, conservator under state
25 law.

1 And we'll hear a lot from the Government, I
2 suspect, as we did in their papers, that whether he is a
3 troubled kid. The extent of that trouble, I would subject, is
4 not even relevant. It's clearly important, and the mother
5 recognizes it's important, and I don't think that either the
6 mother or the child would deny that he's had problems. But at
7 the end of the day that is the mother's -- a parent's
8 responsibility to determine how to best handle.

9 There is nothing in the federal law that grants the
10 federal government to step in *in loco parentis* for any child
11 who is no longer lawfully in federal custody. The language of
12 their enabling statute, which is the -- their basis, they
13 contend, for being able to exceed the -- to continue to make
14 custody decisions for this child, child custody decisions, also
15 expressly limits the scope and the duration of their
16 responsibilities and obligations to immigrant children who are
17 detained by reason of their federal immigration status.

18 We've had a ruling. This is very -- as tragic as
19 it is and as troubling as it is on many levels, it's actually a
20 fairly straightforward question, and that is what legal
21 authority does the Government have to continue to detain this
22 child in immigration detention? And the answer is none, and
23 the writ should issue.

24 THE COURT: Very well.

25 MS. WATSON: Thank you, Your Honor.

1 THE COURT: Mr. Barghaan.

2 MR. BARGHAAN: Yes, Your Honor.

3 THE COURT: I'll let you answer the last point Ms.
4 Watson made about jurisdiction.

5 MR. BARGHAAN: The jurisdiction in what respect, Your
6 Honor? My apologies.

7 THE COURT: Well, to detain the child.

8 MR. BARGHAAN: The Trafficking Victims Protection
9 Reauthorization Act of 2008 provides at 12 -- Section 1232(c)
10 of Title 8 that whenever a child is in the custody of ORR, ORR
11 may not relinquish that custody to any individual unless they
12 can -- or entity, for that matter, unless they can assure
13 themselves that the custodian in question - here the
14 petitioner - can take care of the mental and physical
15 well-being of the child and would not pose a risk to the child.
16 That is as the written decisions that have been provided on
17 petitioner's request provide are well-documented as to why ORR
18 made an adverse decision in that respect.

19 Before I begin with any other comments that I have,
20 and I promise despite my typical longwinded nature that the
21 Court will be done with --

22 THE COURT: I've read the briefs in the case.

23 MR. BARGHAAN: Absolutely, Your Honor.

24 I want to -- I do want to thank my co-counsel in
25 this case. It's a rarity, but in given these emotional issues,

1 my colleagues here could have come in very bombastically. They
2 haven't. And we've been working very well together. I've
3 known Mr. Sandoval for some time.

4 THE COURT: This has been professionally handled on
5 both sides.

6 MR. BARGHAAN: Thank you, Your Honor. I concur with
7 that completely.

8 Moreover, my client, ORR in particular, recognizes,
9 as you said at the very outset of this colloquy, the importance
10 of the issues and we take this very seriously. We -- in fact,
11 my client wants clarity on some of these issues going forward
12 because there aren't -- there isn't, excuse me, any authority
13 in the federal court system on these questions.

14 And I'm not -- contrary to my colleague's
15 premonition, I'm not going to wax on about what is in the
16 records that we provided to Your Honor under seal. R.M.B. and
17 his mother both have privacy interests, and I'm not going to
18 air those terribly in a public forum. I presume the Court will
19 read them at its own leisure and make whatever determinations
20 it needs to in that respect.

21 But before getting even more into the merits, I
22 think it's important to key up -- clear up a key point about
23 the type of custody that we're describing here. My colleagues
24 ask this Court to address this habeas petition as it would a
25 typical adult detention situation where the question is whether

1 the United States has the authority to detain in an appropriate
2 detention facility an adult on immigration charges.

3 Here the question is who or which entity is
4 entitled to exercise *in loco parentis* custody over this alien
5 child. These arguments, the arguments that my colleagues
6 present to the Court, would be the same if R.M.B. had been
7 placed with a foster family by ORR, had been placed in a less
8 secure environment akin to a boarding school, which they do,
9 or, as he is now, in a juvenile detention facility.

10 ORR's charge, Your Honor, the very reason that the
11 Homeland Security Act established it, was to serve as an entity
12 independent of the immigration process - independent of the
13 enforcement arm of the federal immigration authorities so as to
14 have an independent and to protect the interest of the child.
15 And despite that that is the express *raison d'être* of this
16 agency, the petitioner here argues that ORR must shed itself of
17 that mandate. Shed itself of that purpose the moment that
18 immigration proceedings terminate and must relinquish custody
19 of an alien child regardless of whether the individual to whom
20 custody will be relinquished will pose a risk to the child.

21 And federal statute simply does not require ORR to
22 shed itself of that obligation. And as I said on Your Honor's
23 initial question, Section 1232(c) prohibits ORR from placing
24 custody of a child that has been entrusted to its care in any
25 custodian that it determines, or unless it determines, that the

1 custodian in question can take care of the physical and mental
2 well-being of the child and would not pose a risk to the child.
3 And that is exactly what ORR has done here.

4 ORR didn't blithely or arbitrarily make that
5 decision. It has engaged individuals independent and expert
6 opinions on that question. We provided the reports, as I have
7 said. And each of those reports has concluded that ORR ought
8 not relinquish custody to the petitioner here.

9 Your Honor, the rest of our arguments are pretty
10 well-established in our papers. Unless the Court has specific
11 questions --

12 THE COURT: Okay.

13 MR. BARGHAAN: -- on this, I'm happy to cede the
14 podium --

15 THE COURT: Okay.

16 MR. BARGHAAN: -- and be done.

17 THE COURT: Ms. Watson.

18 MR. BARGHAAN: I thank the Court for its time.

19 MS. WATSON: Just two quick remarks, Your Honor.
20 Counsel and I would agree and thank counsel for the spirit of
21 cooperation that we've shared over the past month or so. It's
22 never a joy to be in these types of cases, but it's made --
23 been made much less unpleasant than it need be.

24 THE COURT: Good. Glad to hear it.

25 Go ahead.

1 MS. WATSON: Two points. Counsel points to the TVPRA,
2 the Trafficking Victims Protection and Reauthorization Act as a
3 source of authority for ORR's obligation to make determinations
4 regarding a child's custody. That, of course, presupposes the
5 lawful ORR custody in the first place. Under -- under
6 respondent's theory if they came into custody either passively
7 or actively, they could in theory detain and make custody --
8 child custody determinations over thousands of children in this
9 custody, children just like R.M.B. who have deferred action
10 status, who are not in removal proceedings but yet could be in
11 ORR custody somehow. I would just say that that source of
12 legal authorization must derive from lawful possession of the
13 child.

14 And the other thing that I would address is
15 counsel's concern about nothing says -- nothing requires ORR to
16 relinquish custody upon a termination. And there actually is
17 something that requires that, and that's called the U.S.
18 Constitution. It has long been held constitutional that the
19 government cannot interfere with the parent-child relationship
20 without the protections of due process of law. And in this
21 case there has been no due process. Their experts who at least
22 one of them we know receives substantial government funding on
23 an annual basis. And all of those reports, those haven't been
24 challenged. They're not subject to a neutral arbiter as child
25 custody cases in the state courts where, should state while the

1 child welfare agencies are involved.

2 Their authority to make those kinds of
3 determinations for immigrant children ends when those children
4 are no longer in immigration proceedings. And then it's up to
5 the child's mother, or the State of Texas in this case, to make
6 those kinds of decisions whether it actually is in the child's
7 best interest, or in the case where a child truly is
8 unaccompanied and has no parents, then those decisions are best
9 left to the state child welfare agencies who are better
10 equipped to take care and more properly equipped to take care
11 of long-term needs for children who have been abandoned or
12 abused or neglected by parents.

13 THE COURT: Okay. Thank you.

14 You want to make one point, Mr. Barghaan?

15 MR. BARGHAAN: Yeah, very quickly on the -- on the due
16 process point, Your Honor. Assuming that there is a due
17 process interest here, the petitioner in this case has
18 exercised a right to be heard on ORR's determination that she
19 is not an adequate custodian under the TR -- TVRPA [sic]. She
20 knew of the home study that was done because she was a part of
21 it. Never -- she never requested the file; never requested an
22 opportunity; never requested, as I said, the files so that she
23 could make her own statements on that.

24 There is a mechanism to be heard on these issues.
25 As we say in our papers, this is a final agency action by my

1 client. They could have brought an Administrative Procedure
2 Act claim challenging that determination that more than
3 satisfies due process in this case, Your Honor.

4 I thank the Court for its time.

5 THE COURT: Anything further?

6 MS. WATSON: I won't belabor the point about due
7 process. I think we've made that point.

8 THE COURT: Okay. I understand and it's in your --

9 MS. WATSON: In our --

10 THE COURT: -- papers as well.

11 MS. WATSON: -- papers, Your Honor.

12 THE COURT: Thank you.

13 Okay.

14 MS. WATSON: Could I ask, Your Honor, given the nature
15 of this case when we might expect to hear from the Court so I
16 can let my client know?

17 THE COURT: Ten days --

18 MS. WATSON: Thank you --

19 THE COURT: -- roughly.

20 MS. WATSON: -- Your Honor.

21 THE COURT: I'm going to enter this order on the
22 sealing memo that the Government has filed. Any objection to
23 that?

24 MS. WATSON: We don't have objection. We weren't
25 contacted beforehand, but we don't object and won't object I

1 think going forward.

2 THE COURT: Okay. And just for your records, I've
3 entered it today.

4 MR. BARGHAAN: Thank you, Your Honor.

5 THE COURT: Thank you. It's an important case, and
6 I'm going to try to get it out in about ten days for you.

7 MS. WATSON: Thank you, Your Honor.

8 MR. SANDOVAL-MOSHENBERG: Thank you, Judge.

9 THE COURT: Thank you.

10 THE LAW CLERK: All rise.

11 (PROCEEDINGS CONCLUDED AT 11:22 A.M.)

12 -o0o-

13

14

15 UNITED STATES DISTRICT COURT)
16 EASTERN DISTRICT OF VIRGINIA)

17 I, JULIE A. GOODWIN, Official Court Reporter for
18 the United States District Court, Eastern District of Virginia,
19 do hereby certify that the foregoing is a correct transcript
20 from the record of proceedings in the above matter, to the best
21 of my ability.

22 I further certify that I am neither counsel for,
23 related to, nor employed by any of the parties to the action in
24 which this proceeding was taken, and further that I am not
25 financially nor otherwise interested in the outcome of the
action.

Certified to by me this 16TH day of NOVEMBER, 2015.

23 /s/
24 JULIE A. GOODWIN, RPR
25 CSR #5221
Official U.S. Court Reporter
401 Courthouse Square
Alexandria, Virginia 22314